

SENATE BILL NO. 209

INTRODUCED BY M. WATERMAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE CONSTITUTIONAL BALANCING TEST
5 OF DETERMINING WHETHER A RIGHT OF INDIVIDUAL PRIVACY CLEARLY EXCEEDS THE MERITS OF
6 PUBLIC DISCLOSURE APPLIES TO THE DISCLOSURE OF THE TERMS OF A COMPROMISE OR
7 SETTLEMENT OF A CLAIM AGAINST THE STATE OR A POLITICAL SUBDIVISION; AMENDING ~~SECTION~~
8 SECTIONS 2-9-303 AND 2-9-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A
9 RETROACTIVE APPLICABILITY DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **Section 1.** Section 2-9-303, MCA, is amended to read:

14 **"2-9-303. Compromise or settlement of claim against state.** (1) The department of administration
15 may compromise and settle any claim allowed by parts 1 through 3 of this chapter, subject to the terms
16 of insurance, if any. A settlement from the self-insurance reserve fund or deductible reserve fund
17 exceeding \$10,000 must be approved by the district court of the first judicial district except when suit
18 has been filed in another judicial district, in which case the presiding judge ~~must~~ shall approve the
19 compromise settlement.

20 (2) All terms, conditions, and details of the governmental portion of a compromise or settlement
21 agreement entered into or approved pursuant to subsection (1) are public records available for public
22 inspection unless a right of individual privacy clearly exceeds the merits of public disclosure."

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24 **SECTION 2.** SECTION 2-9-304, MCA, IS AMENDED TO READ:

25 **"2-9-304. Compromise or settlement of claim against political subdivision.** (1) The governing body
26 of each political subdivision, after conferring with its legal officer or counsel, may compromise and settle
27 any claim allowed by parts 1 through 3 of this chapter, subject to the terms of insurance, if any.

28 (2) All terms, conditions, and details of the governmental portion of a compromise or settlement
29 agreement entered into pursuant to subsection (1) are public records available for public inspection unless
30 a right of individual privacy clearly exceeds the merits of public disclosure."

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2 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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4 NEW SECTION. **Section 4. Retroactive applicability.** [This act] applies retroactively, within the
5 meaning of 1-2-109, to the compromise or settlement of claims entered into prior to [the effective date
6 of this act].

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